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October 30, 2008

E-filed

Hon. Chief Magistrate Judge James Larson  
United States District Court, Northern District of California  
450 Golden Gate Avenue, Courtroom F  
San Francisco, CA 94102

Re: *Raquel Rodriquez v. Eden Villa*; Case Number C-08-03982 JL  
Motion to Stay Action and Compel Arbitration (Dec. 3, 2008)  
Case Management Conference (Nov. 26, 2008)

Dear Judge Larson:

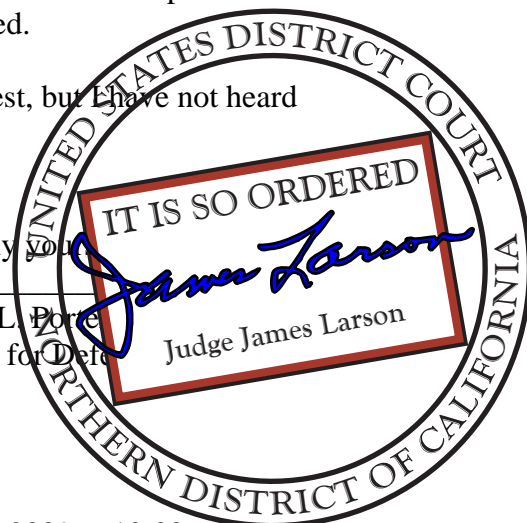
As counsel for defendant Michael Sim, dba Eden Villa-San Francisco, I am writing to request that the Case Management Conference (and all related dates) be continued until after the Court rules on defendant's motion to compel arbitration. I scheduled the motion for October 29<sup>th</sup> in advance of all case management activities, but the hearing date was continued to December 3<sup>rd</sup> for an evidentiary hearing at the request of plaintiff's counsel.

Not only will the case management activities become moot if the motion is granted, but defendant will have been denied the benefit of the arbitration contract if he is compelled to expend fees in civil litigation before his right to arbitrate is determined.

I asked plaintiff's counsel Patrick Kitchen to join in this request, but have not heard back from him as of this time.

Very truly yours,  
\_\_\_\_\_/s/\_\_\_\_

Stephen L. Porter  
Attorney for Defendant



/slp  
cc: Patrick Kitchen

The Case Management Conference is hereby continued January 28, 2009 at 10:30 a.m.  
IT IS SO ORDERED.